

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Raquel Velasquez	Team: Squad #11	CCRB Case #: 201506552	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 08/05/2015 9:23 PM	Location of Incident: § 87(2)(b)	Precinct: 25	18 Mo. SOL 2/5/2017	EO SOL 2/5/2017	
Date/Time CV Reported Thu, 08/06/2015 2:36 AM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Thu, 08/06/2015 2:36 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Pablo Taveras	18813	943862	025 PCT
2. POM Frankie Soler	27130	946278	025 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Pablo Taveras	Abuse: PO Pablo Taveras stopped § 87(2)(b)	§ 87(2)(b)
B.POM Frankie Soler	Abuse: PO Frankie Soler stopped § 87(2)(b)	§ 87(2)(b)
C.POM Pablo Taveras	Abuse: PO Pablo Taveras searched § 87(2)(b)'s bag.	§ 87(2)(b)
D.POM Pablo Taveras	Abuse: PO Pablo Taveras frisked § 87(2)(b)	§ 87(2)(b)
E.POM Pablo Taveras	Abuse: PO Pablo Taveras searched § 87(2)(b)	§ 87(2)(b)
F.POM Frankie Soler	Abuse: PO Frankie Soler searched § 87(2)(b)	§ 87(2)(b)
§ 87(4-b), § 87(2)(g)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Case Summary

On August 5, 2015, at approximately 9:23 p.m., PO Frankie Soler and PO Pablo Taveras, from the 25th Precinct anti-crime team, stopped § 87(2)(b) at the corner of § 87(2)(b) in Manhattan (**Allegations A and B**). PO Taveras searched § 87(2)(b)'s bag, frisked § 87(2)(b) and then searched § 87(2)(b)'s pockets (**Allegations C, D, and E**). PO Soler also searched § 87(2)(b)'s pockets (**Allegation F**). PO Taveras and PO Soler left and did not arrest § 87(2)(b) or issued him a summons. § 87(4-b) § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

This case is being submitted after the 90-day benchmark because of delays in receiving documents and identifying the subject officers.

Video footage was obtained from an exterior surveillance camera at the § 87(2)(b)

§ 87(2)(b) and the officers are not depicted in the video because of the distance of the camera. However, the video does capture an unmarked car and, shortly after, a marked car pulling up at the incident location. The original video depicts a clearer picture of the unmarked and marked car.



§ 87(2)(b) -Surveillance Footage.mp4

Mediation, Civil and Criminal Histories

- § 87(2)(b) did not want to mediate his complaint.
- § 87(2)(b) did not file a Notice of Claim regarding this incident (**Board Review 1**).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilian and Officer CCRB Histories

- This is § 87(2)(b)'s first CCRB complaint (**Board Review 3**).
- PO Pablo Taveras has been a member of the CCRB for 8 years and there are no substantiated CCRB allegations against him.
- PO Frankie Soler has been a member of the CCRB for 7 years and there is 1 substantiated CCRB allegations against him. In CCRB case number 201009029, an allegation of abuse of authority (frisk) was substantiated and a search was unsubstantiated. The CCRB recommended charges; the NYPD did not take any disciplinary action. In 201206460, a stop allegation was unsubstantiated § 87(2)(g)

Findings and Recommendations

Explanation of Subject Officer Identification

§ 87(2)(b) described the subject officers as two Hispanic males in their 20's: one between 5'9" and 5'10" tall with a muscular build and the other 5'10" to 5'11" tall with a slim build. § 87(2)(b) described the unmarked car the officers were in as a blue Chevy and provided license plate number, "§ 87(2)(e)".

The NYPD Fleet Services Division confirmed that the abovementioned vehicle is a blue Chevy Impala assigned to the 25th Precinct and is assigned vehicle number 093607 (**Board Review 5**).

The 25th Precinct Daily Vehicle Assignment Sheet notes that vehicle 93607 [differing fonts intentional] was assigned to the stationhouse (**Board Review 6**). Tour 3 Roll Call did not show any officer being assigned to this vehicle (**Board Review 22**).

PO Taveras' and PO Soler's memo books reveal that they were assigned to vehicle number 936 at approximately 6:15 p.m. (**Board Review 15 and 16**). PO Taveras is a § 87(2)(b) old Hispanic male, who stands 5'11" tall, weighs 200 pounds, and has black hair and brown eyes. PO Soler is a § 87(2)(b) year old Hispanic male, who stands 5'10" tall, weighs 190 pounds, and has brown eyes and is bald. Although both officers share similar physical features, in their NYPD photographs, PO Soler is listed as having a slim build while PO Taveras is listed as having an average build (**Board Review 17**).

The roll call showed that 7 additional officers were assigned to plainclothes' assignments. Of these officers, 3 are Hispanic males: Sgt. Ray Sanchez (assigned to Conditions), PO Alex Perez (assigned to Conditions), and PO Edwin Villanueva (assigned to Conditions).

Sgt. Sanchez was partnered with PO Dooley and they were also assigned to vehicle number 93607. Both Sgt. Sanchez and PO Dooley stated that they were dressed in uniform and that they returned to the 25th Precinct stationhouse for arrest processing following an arrest at approximately 4:45 p.m. Both officers denied going out on patrol thereafter (**Board Review 7, 11, 12 and 13**).

PO Perez stated that he was partnered with PO Villanueva. PO Perez and PO Villanueva were dressed in plainclothes and made narcotics related observations. PO Perez's memo book indicates that he and PO Villanueva were assigned to vehicle number 252, which is a light gray Ford Crown Victoria. Additionally, PO Perez's memo book notes that they made two arrests at approximately 4:45 p.m. and that they returned to the 25th Precinct stationhouse at approximately 5:00 p.m. for arrest processing. PO Perez's next entry was at 7:00 p.m., when he transported prisoners to the 28th Precinct HUB. The following entry is at 10:00 p.m., when PO Perez vouchered arrest evidence (**Board Review 8 and 14**).

§ 87(2)(b) was shown photos of PO Taveras, PO Soler, PO Perez, and PO Villanueva, but he was not able to identify the subject officers (**Board Review 24**). § 87(2)(g)

§ 87(2)(g)

Potential Issues

Because there was no Event regarding this incident (**Board Review 23**), and § 87(2)(b) only noticed one of the males to come out of the 2-3 marked cars he saw, and could only provide a description of a white male, about 5'10"-5'11", medium build, 32-33, who was possibly bald, and did not see any of the other officers, who did not interact with him, the investigation was unable to interview any of these witness officers. § 87(2)(g)

Allegation A- Abuse of Authority: PO Pablo Taveras stopped § 87(2)(b)

Allegation B- Abuse of Authority: PO Frankie Soler stopped § 87(2)(b)

Allegation C- Abuse of Authority: PO Pablo Taveras searched § 87(2)(b) **s bag.**

Allegation D- Abuse of Authority: PO Pablo Taveras frisked § 87(2)(b)

Allegation E- Abuse of Authority: PO Pablo Taveras searched § 87(2)(b)

Allegation F- Abuse of Authority: PO Frankie Soler searched § 87(2)(b)

§ 87(2)(b) left his home, located at § 87(2)(b), and was headed to his car which was parked on § 87(2)(b). § 87(2)(b) was on his way to work at the produce and refrigerator section of a § 87(2)(b). § 87(2)(b) was wearing a black tank top, a purple shirt, a navy blue long-sleeve pullover hoodie, black and gray cargo pants, and red sneakers.

§ 87(2)(b) did not have anything inside his hoodie pockets and he was not wearing the hood on his head. § 87(2)(b)'s cargo pants have four pockets: one on each hip and one on each knee. In his left hip pocket, § 87(2)(b) had a pair of gloves rolled up in a ball. In his right hip pocket, § 87(2)(b) had set of 6 keys, a discount card, and car remote key in one key ring. In his right knee pocket, § 87(2)(b) had a 2" by 2" curved magnet and a 2" long fingernail clipper. In his left knee pocket, § 87(2)(b) had a wallet. § 87(2)(b) was carrying a black hoodie on his left arm and his iPhone 6 in his left hand which was connected to a pink charger. In his right hand, § 87(2)(b) carried a white plastic bag which contained a book, two Gatorades, and a pad for back pain. § 87(2)(b) had gloves and an extra hoodie so that he did not get cold while working.

§ 87(2)(b) walked less than one block up on § 87(2)(b), and as he crossed § 87(2)(b) he noticed a navy blue Chevy driving the opposite direction. At the time, § 87(2)(b) did not know that they were police officers. § 87(2)(b) heard a honk and some noise but he continued walking and was in front of a parking lot, across the street from the § 87(2)(b).

The unmarked car returned and pulled up on § 87(2)(b), on the opposite side of traffic. PO Taveras and PO Soler exited the unmarked car and approached § 87(2)(b). PO Soler grabbed § 87(2)(b)'s left arm and took his cellphone. PO Taveras grabbed § 87(2)(b)'s plastic bag and searched through it for approximately 2 to 4 minutes, and then placed it on the ground. § 87(2)(b) did not recall if PO Taveras removed anything from the plastic bag. PO Taveras then patted § 87(2)(b)'s chest and stomach, searched his hoodie pockets, and then patted § 87(2)(b).

§ 87(2)(b)'s arms. § 87(2)(b) asked "What's going on? What am I doing? What crime am I committing?" PO Taveras and PO Soler ignored § 87(2)(b)

PO Soler then searched § 87(2)(b)'s lower right cargo pocket, removed the fingernail clipper, looked at it and placed it back in the pocket. One of the officers, § 87(2)(b) was not sure which one because he in shock, searched his left knee pocket. Approximately two to three marked cars pulled up. § 87(2)(b) only remembered one of the officers approaching them. PO Taveras bent over and frisked § 87(2)(b)'s right leg. The officers in the marked cars immediately left and PO Taveras and PO Soler also returned to the unmarked car (**Board Review 18**).

There is no Stop, Question, and Frisk report regarding the stop of § 87(2)(b) (**Board Review 19**). There is no Event regarding this incident (**Board Review 23**).

Although the video footage does not depict § 87(2)(b) or the officers, the video does show a dark-colored unmarked car pull up on the opposite side of traffic on § 87(2)(b). Less than a minute later, a marked car pulls up. At the end of the video, which is approximately three minutes long, both cars pull off.

PO Taveras and PO Soler did not recall this incident, even after being shown a photograph of § 87(2)(b). Neither PO Taveras nor PO Soler had any memo book entries at the time or around the time of the incident. PO Soler had only three memo book entries on the incident date which noted the beginning of his tour, when he resumed patrol, and when he ended his tour (**Board Review 15**). PO Taveras had an entry at approximately 7:00 p.m., in which he responded to a shooting at East 132nd Street and Madison Avenue and an entry at approximately 7:20 p.m., in which he noted that he conducted a vertical patrol at 2140 Madison Avenue. PO Taveras' next memo book entry is at approximately 1:20 a.m., in which he noted that he stopped and arrested a woman in front of § 87(2)(b)

§ 87(2)(b). Neither PO Taveras nor PO Soler could provide an explanation for what they were doing at the time of the incident. PO Taveras denied stopping, frisking and searching § 87(2)(b) or seeing any officer doing so. PO Taveras also denied searching § 87(2)(b)'s bag. PO Soler did not recall stopping, frisking or searching § 87(2)(b). PO Soler did not recall searching § 87(2)(b)'s bag (**Board Review 9 and 10**).

§ 87(2)(g)

People v. DeBour, 40 N.Y.2d 201 (1976) allows officers to stop an individual whom they have reasonable suspicion is engaging in criminal activity. The officer may also frisk the individual if he reasonably suspects that the person is armed and dangerous. However, in order to perform a search, the officer must have probable cause that the person possesses a weapon (**Board Review 21**).

§ 87(2)(g)

§ 87(2)(g)

[REDACTED]

[REDACTED]

[REDACTED].

§ 87(4-b), § 87(2)(g)

[REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]

_____.

Squad: **11**

Investigator: _____
Signature Print Date

Pod Leader: _____
 Title/Signature Print Date

Attorney: _____
 Title/Signature Print Date

